EPO decision on patents on seeds: A step forward but concerns remain

On 14 May, the Enlarged Board of Appeal of the European Patent Office (EPO) issued opinion G 3/19 (Pepper) concluding that plants and animals exclusively obtained by essentially biological processes are not patentable. This is the outcome of a long legal dispute between those who oppose patents on living organisms and the unethical behaviour of the biotech industry, that aims to privatise nature.

The Enlarged Board of Appeal of EPO's decision represents, for European Coordination Via Campesina (ECVC), an interesting step forward but one that could become useless if the scope of patents granted for genetic information of genetically modified plants or animals can still be extended to seeds and animals from conventional crossing and breeding.

ECVC considers it contradictory and dangerous that the board decided this new interpretation of Article 53(b) EPC given in G 3/19 will not have a retroactive effect on European patents containing such claims which were granted before 1 July 2017.

In the last few years, ECVC has been denouncing such patents not only because of ethical concerns, but also because of the clear contradiction with peasant and farmer's rights as established in Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and in article 19 of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

Beyond that, patents are the driving force behind biopiracy and the concentration of a huge market force in the seed sector, which reduces the diversity of seed supply and causes seed prices to rise exponentially.

See the entire text of the decision online here

See ECVC's press release on this issue back in December 2018

See the report and the video of the ECVC's conference on *New GMOs, seed patents and peasants' rights to seeds* (20th of February 2020)

See ECVC's Factsheet on patents on seeds in Europe

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